

(2) Denying access to the vessel, except to those responding to the emergency;

(3) Implementing MARSEC Level 3 security measures throughout the vessel;

(4) Stopping cargo-handling operations; and

(5) Notifying shoreside authorities or other vessels of the emergency;

(b) Evacuating the vessel in case of security threats or breaches of security;

(c) Reporting security incidents as required in §101.305;

(d) Briefing all vessel personnel on possible threats and the need for vigilance, soliciting their assistance in reporting suspicious persons, objects, or activities; and

(e) Securing non-critical operations in order to focus response on critical operations.

§ 104.292 Additional requirements—passenger vessels and ferries.

(a) At all Maritime Security (MARSEC) Levels, the vessel owner or operator must ensure security sweeps are performed, prior to getting underway, after any period the vessel was unattended.

(b) As an alternative to the identification checks and passenger screening requirements in §104.265 (f)(2), (f)(4), and (f)(9), the owner or operator of a passenger vessel or ferry may ensure security measures are implemented that include:

(1) Searching selected areas prior to embarking passengers and prior to sailing; and

(2) Implementing one or more of the following:

(i) Performing routine security patrols;

(ii) Providing additional closed-circuit television to monitor passenger areas; or

(iii) Securing all non-passenger areas.

(c) Passenger vessels certificated to carry more than 2000 passengers, working in coordination with the terminal, may be subject to additional vehicle screening requirements in accordance with a MARSEC Directive or other orders issued by the Coast Guard.

(d) Owners and operators of passenger vessels and ferries covered by this part that use public access facilities, as that term is defined in §101.105 of this subchapter, must address security measures for the interface of the vessel and the public access facility, in accordance with the appropriate Area Maritime Security Plan.

(e) At MARSEC Level 2, a vessel owner or operator must ensure, in addition to MARSEC Level 1 measures, the implementation of the following:

(1) Search selected areas prior to embarking passengers and prior to sailing;

(2) Passenger vessels certificated to carry less than 2000 passengers, working in coordination with the terminal, may be subject to additional vehicle screening requirements in accordance with a MARSEC Directive or other orders issued by the Coast Guard; and

(3) As an alternative to the identification and screening requirements in §104.265(f)(4) and (g)(1), intensify patrols, security sweeps and monitoring identified in paragraph (b) of this section.

(f) At MARSEC Level 3, a vessel owner or operator may, in addition to MARSEC Levels 1 and 2 measures, as an alternative to the identification checks and passenger screening requirements in §104.265(f)(4) and (h)(1), ensure that random armed security patrols are conducted, which need not consist of vessel personnel.

[USCG–2003–14749, 68 FR 39302, July 1, 2003, as amended at 68 FR 60514, Oct. 22, 2003; USCG–2008–0179, 73 FR 35009, June 19, 2008]

§ 104.295 Additional requirements—cruise ships.

(a) At all MARSEC Levels, the owner or operator of a cruise ship must ensure the following:

(1) Screen all persons, baggage, and personal effects for dangerous substances and devices;

(2) Check the identification of all persons seeking to board the vessel; this check includes confirming the reason for boarding by examining joining instructions, passenger tickets, boarding passes, government identification or visitor badges, or work orders;

(3) Perform security patrols; and

(4) Search selected areas prior to embarking passengers and prior to sailing.

(b) At MARSEC Level 3, the owner or operator of a cruise ship must ensure that security briefs to passengers about the specific threat are provided.

§ 104.297 Additional requirements—vessels on international voyages.

(a) An owner or operator of a U.S. flag vessel, which is subject to the International Convention for Safety of Life at Sea, 1974, (SOLAS), must be in compliance with the applicable requirements of SOLAS Chapter XI-1, SOLAS Chapter XI-2 and the ISPS Code, part A (Incorporated by reference, see §101.115 of this subchapter).

(b) Owners or operators of U.S. flag vessels that are required to comply with SOLAS, must ensure an International Ship Security Certificate (ISSC) as provided in 46 CFR §2.01–25 is obtained for the vessel. This certificate must be issued by the Coast Guard.

(c) Owners or operators of vessels that require an ISSC in paragraph (b) of this section must request an inspection in writing, at least 30 days prior to the desired inspection date to the Officer in Charge, Marine Inspection for the Marine Inspection Office or Sector Office of the port where the vessel will be inspected to verify compliance with this part and applicable SOLAS requirements. The inspection must be completed and the initial ISSC must be issued on or before July 1, 2004.

[USCG–2003–14749, 68 FR 39302, July 1, 2003, as amended at 68 FR 60515, Oct. 22, 2003; USCG–2006–25556, 72 FR 36328, July 2, 2007]

Subpart C—Vessel Security Assessment (VSA)

§ 104.300 General.

(a) The Vessel Security Assessment (VSA) is a written document that is based on the collection of background information and the completion and analysis of an on-scene survey.

(b) A single VSA may be performed and applied to more than one vessel to the extent that they share physical characteristics and operations.

(c) Third parties may be used in any aspect of the VSA if they have the appropriate skills and if the Company Security Officer (CSO) reviews and accepts their work.

(d) Those involved in a VSA should be able to draw upon expert assistance in the following areas:

- (1) Knowledge of current security threats and patterns;
- (2) Recognition and detection of dangerous substances and devices;
- (3) Recognition of characteristics and behavioral patterns of persons who are likely to threaten security;
- (4) Techniques used to circumvent security measures;
- (5) Methods used to cause a security incident;
- (6) Effects of dangerous substances and devices on vessel structures and equipment;
- (7) Vessel security requirements;
- (8) Vessel-to-vessel activity and vessel-to-facility interface business practices;
- (9) Contingency planning, emergency preparedness and response;
- (10) Physical security requirements;
- (11) Radio and telecommunications systems, including computer systems and networks;
- (12) Marine engineering; and
- (13) Vessel and port operations.

[USCG–2003–14749, 68 FR 39302, July 1, 2003, as amended at 68 FR 60515, Oct. 22, 2003]

§ 104.305 Vessel Security Assessment (VSA) requirements.

(a) *Background.* The vessel owner or operator must ensure that the following background information is provided to the person or persons who will conduct the on-scene survey and assessment:

- (1) General layout of the vessel, including the location of:
 - (i) Each actual or potential point of access to the vessel and its function;
 - (ii) Spaces that should have restricted access;
 - (iii) Essential maintenance equipment;
 - (iv) Cargo spaces and storage;
 - (v) Storage of unaccompanied baggage; and
 - (vi) Vessel stores;
- (2) Threat assessments, including the purpose and methodology of the assessment, for the area or areas in which the vessel operates or at which passengers embark or disembark;
- (3) The previous VSA, if any;